



Remake of the Coastal Integrated Forestry Operations Approvals

Summary of feedback on the discussion paper

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Abbreviations

AGS	Australian Group Selection
BMAD	Bell Miner Associated Dieback
BEAC	Bushfire Environmental Assessment Code
CIS	community information session
DPI	Department of Primary Industries
EEC	Endangered Ecological Community
EPA	Environment Protection Authority
EPL	Environment Protection Licence
FA	Forestry Agreement
FCNSW	Forestry Corporation of New South Wales
FL	Fisheries Licence
FMZ	Forest Management Zone
FPA	Forest Practices Authority
IFOA	Integrated Forestry Operations Approval
NSW	New South Wales
LIDAR	light detection and ranging
RFA	Regional Forest Agreement
STS	Single Tree Selection
TEC	Threatened Ecological Community
TSL	Threatened Species Licence

1. Executive summary

The NSW Government is currently undertaking a comprehensive remake of the coastal Integrated Forestry Operations Approvals (IFOAs). The objectives of the remake are to reduce the costs associated with implementation and compliance and improve the clarity and enforceability of the IFOAs.

In February 2014 a discussion paper outlining the proposals of the remake was released and feedback sought from the community. A transparent consultation process was led by a partnership of government agencies that gave the community and stakeholders the opportunity to participate in the consultation. An independent facilitator was engaged to ensure that community members who met with government had the opportunity for their views to be recognised and explored.

The following table is a snapshot of the key issues raised by the community and other stakeholders during the engagement process. The issues are not listed in any order of importance and do not represent consensus between all stakeholders. Each issue is described in more detail later in this report.

Issue	Response
Objectives of the remake are not compatible/environmental outcomes will be undermined	<ul style="list-style-type: none"> • the government has committed to remaking the coastal IFOAs with no net change in wood supply and no erosion of environmental values • timber supply issues are most appropriate to be considered through agreements such as the Regional Forest Agreements (RFAs) and NSW Forest Agreements (FAs) • the remake IFOA would be more effective as the four coastal IFOA licences will be integrated, allowing improved enforceability and environmental outcomes
Removal of the regulation of some forestry activities from the IFOA	<ul style="list-style-type: none"> • the IFOA licence framework has been streamlined to improve its clarity and remove duplication with other existing legislation outside of the IFOA • the draft IFOA is proposed to focus solely on activities specifically related to logging rather than activities covered under other legislation; this will increase the clarity and enforceability of the IFOA and reduce red-tape
Removal of prescriptions for silvicultural practices	<ul style="list-style-type: none"> • the IFOA proposes to replace specific silvicultural prescriptions with provisions that limit the impacts of logging operations in time and space, these provisions will reflect the existing structure and regeneration needs of the forest • the proposed introduction of new regeneration requirements will also see the new IFOA focus on the outcome of achieving effective forest regeneration, rather than the current process-based harvesting limits • proposed long-term monitoring would ensure that forest structure is maintained across the landscape
Achieving forest regeneration outcomes	<ul style="list-style-type: none"> • enforceable regeneration thresholds will be included in the new IFOA; these will be reviewed by external experts prior to the finalisation of the IFOA • FCNSW will implement a representative and adequate regeneration assessment program based on risk to determine whether these thresholds are being met across the landscape • where regeneration thresholds are not met FCNSW will be required to undertake remedial actions
Introducing multi-scale landscape-based protections for threatened species	<ul style="list-style-type: none"> • the IFOA will implement threatened species protection at the landscape, stand and site scale • minimum thresholds will be set to ensure the permanent protection

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	<p>of habitat across the landscape, this includes mature forest and specific species habitat</p> <ul style="list-style-type: none"> • temporal and spatial limits will be implemented to distribute the impacts of forestry operations • existing landscape protections including corridors, stream protection, old growth forest and rainforest will be maintained with some being improved • tree retention conditions (hollow-bearing, recruitment and feed) will be improved and new provisions will require the retention of large (giant) trees • the protection of specific species will move from record-triggered protection to the identification and retention of suitable habitat • long-term forest monitoring will assess the effectiveness of the multi-scale landscape conditions and provide for adaptive management to ensure species and habitat is being adequately protected
<p>The spread of Bell Miner Associated Dieback (BMAD)</p>	<ul style="list-style-type: none"> • the government is committed to ensuring that BMAD is addressed in a strategic and collaborative manner • the government is considering how best to incorporate BMAD into the scope of the IFOA • proposed long-term forest monitoring in the new IFOA would allow long-term forest health matters such as BMAD to be better understood and managed • proposed regeneration standards in the new IFOA will require FCNSW to consider issues such as BMAD in its regeneration risk assessments
<p>The Forestry Corporation of NSW's steep slopes harvesting trial</p>	<ul style="list-style-type: none"> • the Government is yet to decide whether the trial will proceed

2. Introduction

2.1 Purpose

This report summarises the formal submissions and feedback received from the community and stakeholders during the exhibition of the Remake of the Coastal Integrated Forestry Operations Approvals (IFOAs) Discussion paper February 2014 (the discussion paper) and associated communication materials from 24 February to 9 April 2014.

It also explains how the NSW Government has responded to the submissions and feedback to finalise the draft IFOA and its implementation.

2.2 Background

The Forestry Act 2012 provides for IFOAs which include regulatory regimes for environmental planning and assessment, the protection of the environment and water, and threatened species conservation.

An IFOA describes the forestry operations and conditions covered by the approval, including a description of the area of the state to which it applies. The approvals include terms that apply to forestry operations generally as well as the terms of licences under the *Protection of the Environment Operations Act 1997*, *Threatened Species Conservation Act 1995* and the *Fisheries Management Act 1994*. The EPA regulates the Forestry Corporation of New South Wales (FCNSW) compliance with non-licence terms, the environment protection licence (EPL) and threatened species licence (TSL) components of the IFOAs, and the Department of Primary Industries regulates FCNSW compliance with the Fisheries threatened species Licence (FL) component.

In May 2012, the government announced a review of the IFOAs for the Eden, Southern, Upper and Lower North East (coastal) regions of NSW, and later outlined a three-stage engagement process to allow the NSW public an opportunity to understand and provide feedback on the new IFOAs.

2.3 Why is the government remaking the coastal IFOAs?

The coastal IFOAs are intended to integrate the environmental planning and assessment, environment and water protection, and threatened species conservation regulatory requirements for forestry operations on state forests and other Crown-timber lands.

Over time, experience in implementing, monitoring and enforcing compliance with the coastal IFOAs has shown that they are not achieving their original purpose. The IFOAs are difficult to understand and implement and the lack of clarity and enforceability of IFOA conditions makes regulating expected outcomes difficult.

The current coastal IFOAs are process-focused and have not allowed forestry operations to keep pace with changes in technology, logging practices or best regulatory practice. There are over 2000 conditions in the current coastal IFOAs, which are over 350 pages long. Many conditions are repetitive and duplicated which means the IFOAs are difficult for operators to use and interpret and for the EPA and DPI to enforce. Rather than being integrated, the IFOAs consist of four separate licences: general operating conditions, an EPL, a TSL and an FL.

Given these issues, the NSW Government is undertaking a comprehensive remake of the coastal IFOAs to address these identified weaknesses and deliver a modern regulatory framework for forestry operations on Crown-timber land in coastal NSW.

2.4 Objectives and scope of the IFOA

The objectives of the remake are to reduce the costs associated with implementation and compliance and improve the clarity and enforceability of the IFOAs. The NSW Government is committed to delivering these objectives with no net change to wood supply and no erosion of environmental values. The IFOA remake also provides an opportunity for the government to recognise innovations in best regulatory practice, incorporate advances in technology and deliver a contemporary regulatory framework that is fit for purpose.

The key principles that will guide the remake of the coastal IFOAs and underpin the new IFOA are:

- the IFOA remake will not affect commitments made under the Regional Forest Agreements (RFAs) and NSW Forest Agreements (FAs)
- the new IFOA will not change the Comprehensive, Adequate and Representative reserve system
- the new coastal IFOA will not reduce FCNSW ability to meet high-quality wood supply commitments
- the new coastal IFOA will be outcomes-focused, supported by monitoring and evidence and based on risk-management principles
- the new IFOA will better protect threatened species and their habitat through a greater emphasis on landscape-based measures
- the new IFOA framework will be credible and transparent.

Each component of the current coastal IFOAs is being reviewed as part of the IFOA remake.

The NSW Government will deliver a new IFOA by revoking the current IFOAs and issuing a single IFOA covering the Upper North East, Lower North East, Southern and Eden forest agreement regions. This new IFOA will recognise regional differences where necessary.

The government is also proposing a range of legislative amendments to support changes to the coastal IFOAs and deliver the objectives of the IFOA remake.

3. Submissions and participation process

3.1 Discussion paper

The NSW Government published a discussion paper on 24 February 2014 that presented the key proposals for the remake of the coastal Integrated Forestry Operations Approvals (IFOAs) including:

- moving to outcomes based licensing
- changes to the scope of activities regulated under the coastal IFOAs
- addressing barriers to achieving best practice soil and water protection
- adopting a multi-scale landscape approach
- using advances in technology to improve accuracy and efficiency of identifying protected areas of environmental significance.

The discussion paper and accompanying communications materials were exhibited for public comment from 24 February to 9 April 2014.

Table 1 provides a snapshot of the engagement methods used during the exhibition of the discussion paper.

Table 1: Summary of engagement methods

How?	What?	How many?	When?
Community information sessions	Public information sessions across coastal NSW led by an independent facilitator	Six sessions attended by 103 people	March 2014
Peak stakeholder meetings	Meetings with peak stakeholders	Three meetings, one with industry groups, one with conservation groups and one with a non-government stakeholder, the Environmental Defenders Office NSW	March 2014
Submissions from the community	Submissions made by email, fax or post	877	February to April 2014

3.2 Community information sessions

The NSW Government ran six community information sessions (CISs) as a part of the consultation process on the discussion paper. The purpose of the CISs was to provide information on the proposals in the discussion paper, seek feedback from the community and facilitate the making of public submissions.

The government employed an independent facilitator to lead the community information sessions to ensure that all community members who met with Government had the opportunity for their views to be recognised and explored.

CIS's were held in Batemans Bay, Eden, Lismore, Grafton, Wauchope and Sydney between 12 and 25 March 2014. A total of 103 people attended the community information sessions with the numbers for individual sessions presented in figure 1 below.

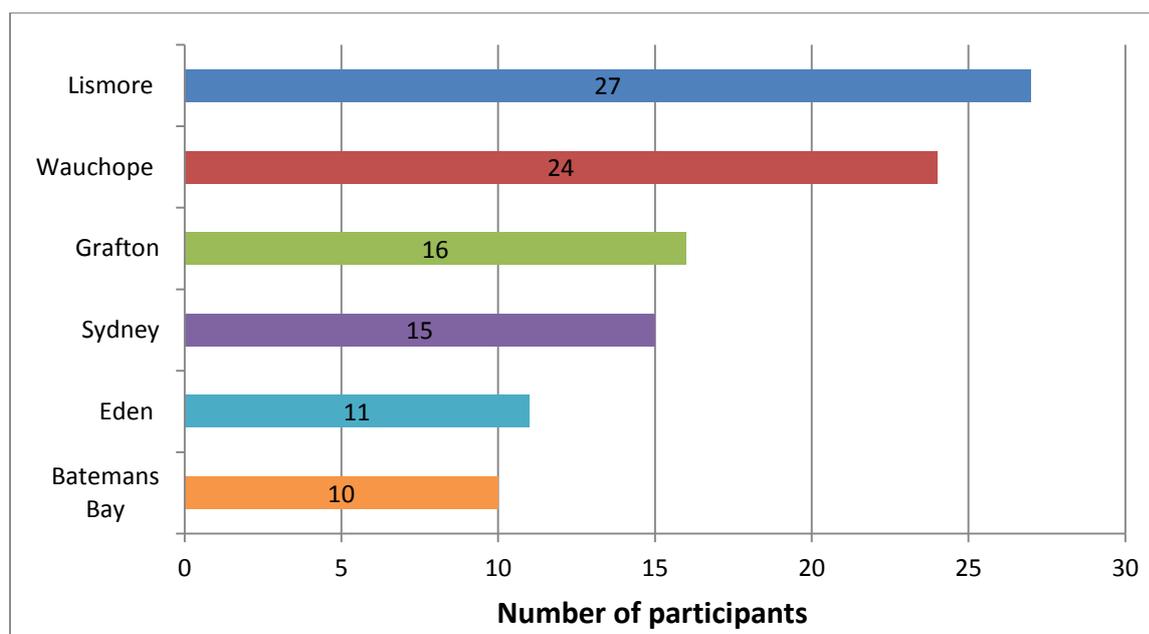


Figure 1: Attendance at the IFOA remake community information sessions

Participants at community information sessions included peak and local conservation and industry groups, academics, forest researchers, representatives of harvest companies, haulage companies, and timber suppliers, mill owners and individuals.



Figure 2: Community information session at Eden on 13 February 2014 (EPA).

Participants provided a range of views on the objectives of the remake and the proposals presented in the discussion paper. The independent facilitator captured these views in a summary report which is available on the EPA's website at: www.epa.nsw.gov.au/forestagreements/IFOA-feedbacksum.htm.

Despite attendance levels being lower than expected, the community information sessions were a success. Of the participants who responded to the evaluation questionnaire, 75 per cent believed that the sessions increased their understanding of the IFOAs, 91 per cent felt they had opportunity to provide feedback on the IFOA remake and 77 per cent believed the sessions increased their understanding of how to make a formal submission.

3.3 Peak stakeholder meetings

The NSW Government also met with peak stakeholder groups in March 2014 as a part of the consultation process on the discussion paper. Peak stakeholders included timber industry groups, the NSW Forest Products Association and Timber Communities Australia, and conservation groups including Nature Conservation Council Forest Working Group. The government also met with the Environmental Defenders Office (EDO) NSW, a community legal centre providing independent advice on environmental issues. At these meetings the government outlined the key proposals of the remake and the process for making submissions. The peak groups that attended were also given an opportunity to voice any issues or concerns ahead making their formal submissions.

3.4 Written submissions process

During the six-week exhibition of the discussion paper the government sought public comment in the form of written submissions.

A total of 877 submissions on the IFOA were received. The submissions included:

- 95 individual submissions
- 782 form letters/email submissions.

Of the 782 form letters/email submissions there were three campaigns:

- Nature Conservation Council of NSW (761 submissions)
- timber industry form letter 1 (14 submissions)
- timber industry form letter 2 (7 submissions).

A submission was considered a form letter if the majority of the content was the same as other submissions received. Submissions that were similar but contained individual points were counted as individual submissions.

The majority of submissions were received from individuals. Submissions received by stakeholder groups are shown in Figure 3.

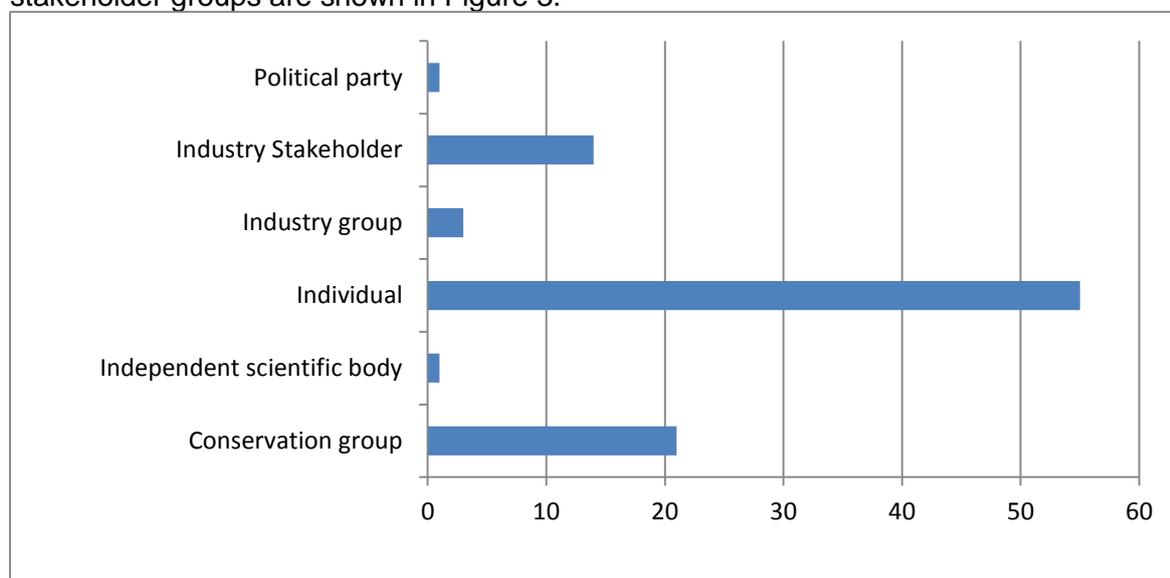


Figure 3: Number of submissions by stakeholder group (excluding form submissions).

The EPA received, registered and sent an acknowledgement receipt for all incoming submissions on behalf of the NSW Government. All submissions were carefully reviewed to ensure that the views expressed were accurately captured.

The analysis identified key issues that were based on proposals suggested in the discussion paper and matters that were raised repeatedly.

All submissions, except those that were requested to remain confidential, have been published on the EPA's website at: <http://www.epa.nsw.gov.au/forestagreements/IFOA-submissions.htm>.

4. Summary of feedback

A wide range of issues were identified in the feedback given by the community and stakeholders through the submissions and community information sessions. This section summarises the key issues raised, provides further information, and presents information on the relevant next steps.

Detailed analysis of the submissions indicated there was general support for a number of key proposals presented in the Remake of the Coastal Integrated Forestry Operations Approvals (IFOAs) Discussion paper February 2014, including:

- a single coastal IFOA and a licence structure which is outcomes based and includes best practice guidance material and protocols
- proposed legislative amendments including strengthened penalties and minimum standards for forest contractors
- streamlining licence conditions to strengthen soil and water protections
- adopting new technologies including Global Positioning Systems and LiDAR to improve the accuracy and efficiency in the identification of drainage lines and other landscape features
- establishing a new strategic framework for monitoring the outcomes of the new IFOA.

The community signalled that they wanted to see more details for many of the proposals and participate in the development of the final IFOA.

4.1 Summary of issues of concern raised in submissions

Detailed analysis of the submissions indicated there were concerns with the following aspects of the proposed new IFOA:

- perceived incompatibility of the two objectives of no net change in wood supply and no erosion of environmental controls
- removing the regulation of some aspects of forestry operations, such as grazing and silvicultural requirements from the IFOA
- removing prescriptions for silvicultural practices
- achieving forest regeneration outcomes
- introducing multi-scale landscape-based protection for threatened species
- removal of pre-logging surveys
- the role of the Tasmanian Forest Practices Authority in the assessment of the proposed threatened species licence framework
- managing the impacts of Bell Miner Associated Dieback (BMAD)
- Forestry Corporation of New South Wales steep slopes harvesting trial.

5. Summary of key issues – feedback and government response

5.1 Objectives of the IFOA remake

The remake of the coastal Integrated Forestry Operations Approvals (IFOAs) proposes to reduce the cost of implementation and compliance and improve the clarity and enforceability of the coastal IFOAs. The NSW Government committed to delivering against these objectives with no net change to wood supply and no erosion of environmental values.

The remake also provides an opportunity for the NSW Government to recognise innovations in best regulatory practice, incorporate advances in technology, and deliver a contemporary framework that is fit for purpose.

5.1.1 Feedback

Seventy-three submissions raised issues related to the objectives of the remake. Most stakeholders supported the objectives of the remake on the basis that it would lead to efficiency and reduced costs for forestry operations. Some stakeholders did not support the IFOA objectives “*no net change to wood supply and no erosion of environmental values*” and were concerned these two objectives were not compatible.

A few stakeholders felt that the IFOA remake would undermine the protection of threatened species and that environmental outcomes would not be maintained. Some stakeholders were also concerned that there was not enough information on the effectiveness of the IFOA to date, or the potential costs savings, to justify the effectiveness of the remake.

5.1.2 Response

The government has committed to remaking the coastal IFOAs with no net change in wood supply and no erosion of environmental values. The remake of the IFOAs aims to improve the regulatory framework within which forestry operations in these forests occur and is not intended to affect existing wood supply or environmental protections.

The Regional Forest Agreements (RFAs) and the NSW Forest Agreements (FAs) are the most appropriate places to consider timber supply and broader native forestry policy reform.

Since the IFOAs commenced regular annual reporting of key targets for the implementation of the IFOAs has occurred, which has enabled some useful information to be collected. However, the government acknowledges there have been gaps in the monitoring framework and that is why the new IFOA will include a major commitment to monitoring.

The current IFOAs are process-focused and, given they contain over 2000 conditions spread over 350 pages, are difficult to understand. These challenges mean the IFOAs lack clarity and are complex to implement and enforce.

The remake IFOA will be more effective as the four individual licences will be integrated and similar conditions will be aligned and consolidated. This will improve clarity and enforceability. The new IFOA will be more outcomes focused by, for example, moving towards greater landscape protections rather than targeted surveys

5.2 Removing duplicative regulation of forestry activities from the IFOA

The *Forestry Act 2012* allows for the making of the IFOAs that authorise the Forestry Corporation of NSW (FCNSW) to carry out certain forestry operations such as grazing, beekeeping, and weed and pest control in accordance with the terms of the IFOA. When an

IFOA is granted, other legislative approval requirements cease to apply to the forestry operations covered.

The new coastal IFOA proposes to only cover activities directly related to timber production such as logging, roading and burning. Non-logging activities will not be regulated under the IFOA but will continue to be authorised and regulated under other relevant instruments. For example, FCNSW will still be required to meet Aboriginal and non-Aboriginal heritage requirements under the *Heritage Act 1977* and the *National Parks and Wildlife Act 1974*.

Activities covered by the current IFOAs which are proposed for removal include hazard-reduction burning (other than pre- and post-harvest logging), beekeeping, grazing, weed and pest control, and roading activities that are not associated with logging. Additionally, the government proposes the IFOA will no longer include requirements for the removal of forest operations in areas that are not actively being logged or have recently been logged and excludes requirements for Aboriginal and non-Aboriginal heritage matters.

The proposed removal of coverage for certain forest operations is consistent with the government's direction towards a landscape approach to deal with land management issues.

5.2.1 Feedback

Thirty-seven submissions commented on activities to be covered or no longer covered in the coastal IFOA.

Most stakeholders did not support the removal of certain activities from the IFOA as outlined in the discussion paper. Of the submissions raising this issue, the greatest concerns related to removal of weed and pest control. Table 2 provides a summary of the key issues raised in these submissions.

Table 2: Comments raised in submissions for proposals to remove the regulation of certain forestry operations from the IFOA.

Issue	Feedback	Government response
Aboriginal cultural heritage/ non-Aboriginal heritage	<ul style="list-style-type: none"> • the government has not sought input from the Aboriginal community on how the Forestry Corporation of NSW (FCNSW) will consult and engage in the future with the Aboriginal community on Aboriginal cultural heritage matters • local communities need to be engaged in the process of protecting non-Aboriginal cultural heritage 	<ul style="list-style-type: none"> • Aboriginal cultural heritage is regulated under the <i>National Parks and Wildlife Act 1974</i> and non-Aboriginal cultural heritage is regulated under the <i>Heritage Act 1977</i>. The Integrated Forestry Operations Approval (IFOA) provisions add nothing to the protection of Aboriginal heritage and the requirements result in confusion for all parties. • To avoid duplication of enforcement under two sets of requirements and to improve clarity the Aboriginal and non-Aboriginal cultural heritage matters are proposed to be removed from the IFOA. • FCNSW would still be required to meet the general legislative requirements under the <i>Heritage Act 1977</i> and the <i>National Parks and Wildlife Act 1974</i>. This includes requirements for FCNSW to implement specific due diligence guidelines, the Operational Guidelines for Aboriginal Cultural Heritage Management 2010, adopted under the National Parks and Wildlife Regulation 2009. • The Operational Guidelines for Aboriginal Cultural Heritage Management 2010 were developed in consultation with DECCW (now OEH) and include the requirements of the Aboriginal cultural heritage consultation requirements for proponents 2010, which was published at the time by DECCW. • FCNSW has a dedicated Aboriginal Partnerships Team that continues to engage with local communities regarding cultural heritage issues and timber harvesting activities.
Weed and pest control	<ul style="list-style-type: none"> • if requirements to control weed and pests are enforced under other legislation there may be reduced compliance with these requirements • more information is sought on the management of invasive weeds • the EPA and FCNSW should resource a state-wide weed management program through the IFOA and allocate resources for post-harvest weed management and monitoring • improve the level of awareness of FCNSW and forest contractors about existing legal requirements • the <i>Forestry Act 2012</i> should require cooperation, coordination and information-sharing between FCNSW and the regulators, 	<ul style="list-style-type: none"> • Provisions of the <i>Rural Land Protection Act 1998</i> and the <i>Noxious Weeds Act 1993</i> already regulate weed and pest control. • Although the IFOAs required FCNSW to prepare strategic weed and pest management plans, these requirements are not meaningful and have been largely unenforceable. As a result the EPA has had no regulatory focus on weed and pest control over the past 5 years. The new IFOA proposes to remove weed and pest control removing duplication with the existing provisions of the <i>Rural Lands Protection Act 1998</i> and <i>Noxious Weeds Act 1993</i>. • FCNSW works closely with Local Land Services, local councils and other land managers and stakeholders to help deliver a state-wide, tenure-neutral approach to weed management. FCNSW also

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Issue	Feedback	Government response
	<p>to notify and investigate potential forestry-related breaches</p>	<p>attends and provides input to regional weed advisory committee meetings. FCNSW prepare area-based weed management plans that span 5 years, and they also develop annual weed management schedules and weed specific operational plans. Staff and contractors report new weed sightings, map known infestations of priority 1 and 2 weeds, and monitor weed control and flare-up. FCNSW continues to fund annual weed control programs and training for staff in weed identification and herbicide application.</p>
Grazing	<ul style="list-style-type: none"> • lack of information regarding the protection of areas subject to grazing permits • the awareness of FCNSW and forest contractors about the existing legal requirements needs to improve • the IFOA should require cooperation, coordination and information-sharing between FCNSW and regulators to notify and investigate potential forestry-related breaches • the areas grazed in the coastal IFOA forests could be increased • grazing could result in significant impacts on forests habitats 	<ul style="list-style-type: none"> • Grazing will continue to be generally not permitted in Forest Management Zones (FMZs) 1 and 2 in accordance with regional forest agreements and NSW forest agreements. • The FCNSW document Forest Management Zoning in State Forests, (State Forests of NSW 1999) specifies that no new grazing occupation permits are permitted to be issued over FMZs 1 and 2. • FCNSW issues permits to graziers under the <i>Forestry Act 2012</i>. • The remade IFOA will focus on activities specifically linked to logging, rather than other types of land uses such as grazing. The Threatened Species Licence specifies the development of a grazing management plan, not implementation and adherence to the plan; therefore, the requirements are not meaningful or enforceable. • The EPA's regulatory focus is on environmental impacts rather than on strategic plans that are largely unenforceable. The government proposes to maintain strategic plans for grazing but remove them from the IFOA framework. Instead FCNSW under the <i>Forestry Act 2012</i> will develop, implement, and review a strategic plan for grazing for approval by the EPA/Office of Environment and Heritage and Department of Primary Industries. This amendment allows grazing activities to continue in state forests without the need for statutory approvals other than under the <i>Forestry Act 2012</i>.
Forest product operations	<ul style="list-style-type: none"> • forest product operations requiring planning approval could result in increasing costs to FCNSW • lack of information regarding the proposed regulation of forest uses 	<ul style="list-style-type: none"> • FCNSW will continue to issue permits for the removal of forest products under the <i>Forestry Act 2012</i>. Current IFOAs apply to forest product operations, these being the removal of tree products and other vegetation (other than timber) that are of economic value, such as seeds and bark. The IFOA proposes to only cover the removal of forest products from areas that are actively being logged or that have been recently logged. Conditions included in these permits require the holder to comply with the relevant prescriptions in the IFOA.

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Issue	Feedback	Government response
		<ul style="list-style-type: none"> For areas where FCNSW is not logging or has not recently logged and where the impact on the environment is significant, FCNSW may be required to seek approval according to relevant NSW planning legislation.
Hazard reduction burning	<ul style="list-style-type: none"> FCNSW needs greater flexibility to determine when it is appropriate to carry out burning the need for penalties for post-harvesting damage from burning 	<ul style="list-style-type: none"> Current IFOAs specify planning and implementation requirements for burning. The current IFOAs contain requirements for the planning of burning operations but these are mostly un-enforceable. In 2012, an exemption was removed from the <i>Rural Fires Act 1997</i> which required FCNSW to ensure all hazard reduction burns are conducted in accordance with the Bushfire Environmental Assessment Code (BEAC) for NSW. The requirements under the IFOA and BEAC are often contradictory and require FCNSW to undertake two separate planning procedures for a single burn. The IFOA proposes to include clearer, enforceable conditions for the planning and implementation of post-harvest burning conducted within specified timeframes. Other hazard reduction activities undertaken outside of the IFOA by FCNSW to meet the obligations under the <i>Rural Fires Act 1997</i> are required to be conducted in accordance with the Bush Fire Environmental Assessment Code for NSW.

5.3 Silvicultural practices

The current IFOA sets explicit rules for the type of silviculture (or logging practice) that can be applied, including Alternate Coupe Logging (in Eden only), Australian Group Selection (AGS), Single Tree Selection (STS) and thinning. The specification of these practices limits the ability of FCNSW to apply site-specific silvicultural approaches by focusing on a prescriptive rule set rather than the achievement of outcomes, including forest regeneration. Consistent with an outcomes-based IFOA, the government proposes that silvicultural requirements will not be set in the new IFOA; however, it is proposed that regeneration requirements and environmental outcomes will be specified, including limitations on impacts over time and area.

5.3.1 Feedback

Thirty-four submissions commented on silvicultural practices, 13 of these submissions did not support the removal of silvicultural practices from the IFOA.

Most stakeholders felt that without prescriptive conditions for silviculture there could be clear-felling and subsequent impacts on biodiversity and sustainable logging. Other issues raised by stakeholders were disturbance thresholds being too high and some believed that removing silvicultural practices is inconsistent with the proposed tree retention requirements.

There is some belief amongst stakeholders that removing silvicultural requirements will lead to degradation of forest structure and reduce the productivity of forests. A few stakeholders felt that structurally diverse forests should be maintained or restored to provide adequate biodiversity.

A few stakeholders suggested the basal area rules should be the same as those stated in the Private Native Forestry Code of Practice.

5.3.2 Response

The IFOA proposes to replace specific silvicultural prescriptions with provisions that limit the impacts of logging operations in time and space. These provisions will reflect the existing structure and regeneration needs of a stand. Supplementary landscape protections such as landscape exclusion zones, connectivity corridors, tree retention and unlogged habitat clumps will be permanently established to maintain forest structure and threatened species habitat. Long-term monitoring provisions will be designed to determine whether forest structure is being maintained across the landscape. A silvicultural manual has been developed under Regional Forest Agreements and FCNSW will manage harvesting activities in line with this manual.

The introduction of new regeneration requirements will also see the new coastal IFOA focus on achieving effective forest regeneration rather than the current process-based harvesting limits.

Under the new IFOA, clear-felling will be prohibited and requirements for specific tree retention (habitat, recruitment and feed trees) will apply to all forest harvesting operations.

5.4 Forest regeneration

The current IFOAs cover management activities to improve regeneration success (such as replanting). Existing conditions require FCNSW to undertake post-logging surveys to assess, amongst other factors, the nature and extent of regeneration occurrence. The current requirements are unenforceable.

The government proposes that the requirements for regeneration will be retained and enhanced. Current unenforceable requirements are proposed to be replaced by

requirements for FCNSW to meet specified regeneration standards. These standards would include setting regeneration targets and a robust and repeatable survey and monitoring approach.

5.4.1 Feedback

Eleven submissions raised issues about forest regeneration, of these some supported the inclusion of enforceable regeneration standards. A few stakeholders believed there should be requirements to maintain an adequate mix of tree species.

A few stakeholders believed that the best available information should be implemented to address forest regeneration.

5.4.2 Response

Enforceable regeneration thresholds will be informed by an external expert or experts prior to the finalisation of the new IFOA. In setting these thresholds the external expert will consider the best available science to propose meaningful ecological thresholds. By not prescribing permissible silviculture, this will give FCNSW the flexibility to increase regeneration success through implementing practices that are the best fit for the physiology of trees on site.

FCNSW will be required to implement a regeneration assessment program that is risk based to ensure regeneration is occurring. Where regeneration thresholds are not met FCNSW will be required to undertake remedial actions to ensure that regeneration success is achieved.

5.5 Multi-scale landscape-based protections for threatened species

It is proposed that the new IFOA will protect threatened species through a landscape-based approach whereby forest features used by a number of different species are identified and protected, whether the species is observed there or not. Forest features include forest structural diversity, canopy cover, trees with hollows, rainforest, old growth forest, streams and wetlands. Under the new IFOA these protections will operate at the landscape, stand and individual tree scale. The protection of important habitat features will be designed to allow threatened species to persist following forestry operations. This approach reduces the need to locate some threatened species through surveys which are often inefficient, ineffective and costly.

5.5.1 Feedback

This was the issue which attracted the most individual comments, with 76 submissions mentioning it, many of which supported a landscape approach. Some stakeholders commented that threatened species protections, including species-specific protections, would be undermined. Table 3 outlines the key issues raised and feedback given on the proposed multi-scale landscape-based protections for threatened species.

Table 3: Issues and feedback about proposed multi-scale landscape-based protections for threatened species

Issue	Feedback	Government response
Threatened species surveys	<ul style="list-style-type: none"> • stakeholders believe surveys should be undertaken by an independent body with sufficient expertise • removing requirements in the IFOA for the Forestry Corporation of NSW (FCNSW) to complete pre-logging surveys could increase risks to threatened species • the government needs to gather evidence to support removing threatened species surveys • the methodologies for threatened species surveys conducted by FCNSW should be improved and the number of surveys increased • stakeholders believe surveys are costly for FCNSW to complete and may not improve protections for threatened species • insufficient information has been given about the landscape approach to support removing surveys 	<p>To date, pre-harvest surveys have been highly inefficient and ineffective. There has been a poor link between survey effort and environmental outcomes over the past 15 years. For such modest improvements in threatened species protection, FCNSW has incurred significant costs.</p> <p>The government considers that relying on record-based triggers for species protection is an unnecessary risk to most threatened species. Instead, protecting habitat by setting multi-scale landscape provisions based on known or potential habitat, regardless of the detection of a record through a survey, will help threatened species persist after forestry operations.</p> <p>Site-specific survey and protection requirements will be retained for some species not suited to protection through multi-scale landscape provisions.</p> <p>Multi-scale landscape provisions will include:</p> <ul style="list-style-type: none"> • setting minimum thresholds for exclusion zones within the landscape • retaining existing landscape protections including corridors, stream protections, old growth and rainforest • improving current tree retention requirements • requiring a minimum amount of undisturbed habitat to be retained throughout the logging area • moving to, or retaining, landscape exclusion zones for certain species • protecting habitat based on improved modelling or sound expert knowledge of known or likely habitat • establishing regional priority species and habitat lists and requirements • adopting relevant landscape and site management actions recommended through the <i>Saving our Species</i> conservation program. <p>Pre-harvest surveys will continue to be undertaken for a number of species that are not adequately protected through landscape measures. For these species, the target survey area at the</p>

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Issue	Feedback	Government response
		<p>landscape and site level will be refined where possible to ensure survey effort is directed into areas of most likely occurrence.</p> <p>The government has committed to ensuring that the new landscape approach is adequate and effective in meeting its desired outcomes. Monitoring of these settings will be undertaken through a structured strategic monitoring framework. Threatened species requirements, including the need for pre-harvest surveys will be adaptively managed where the monitoring deems it necessary.</p>
<p>Advice on threatened species licence conditions provide by the Tasmanian Forest Practices Authority (FPA)</p>	<ul style="list-style-type: none"> • stakeholders are concerned the Tasmanian FPA will not be objective • stakeholders are concerned the practices implemented by the Tasmanian FPA are not an appropriate benchmark for NSW forests • stakeholders feel that the Tasmanian FPA do not have adequate levels of expertise to advise on threatened species protections and should only have a consultation role in the IFOA remake 	<p>The Tasmanian FPA was chosen by the government to consult on the proposed threatened species licence framework because its specialists have extensive expertise in forest practices, the development and implementation of codes of practice, cultural heritage, botany, geomorphology, soil and water science, and zoology across multiple jurisdictions in Australia.</p> <p>The Tasmanian FPA was not selected to advise the government on logging practices employed in Tasmania, or on the practices that should be adopted in the remake of the IFOAs.</p> <p>The FPA specialists also have experience carrying out independent monitoring, research and regulation of the forestry industry, often in collaboration with other researchers, to ensure that forest practices meet the relevant legislation and policies.</p>
<p>Threatened ecological communities (TECs)</p>	<ul style="list-style-type: none"> • stakeholders are concerned mapping TECs will lead to a reduction of area available for harvesting • it is suggested that where TEC mapping results in loss of harvestable area, this should be balanced with providing additional harvestable areas • the definition of TECs needs to be improved • stakeholders suggest linking TECs with the formal scientific determinations • TECs need to be independently mapped 	<p>TECs are currently required to be protected from all forestry operations under the <i>National Parks and Wildlife Act 1974</i>. As such, these areas are already unavailable for harvesting.</p> <p>The mapping of TECs will provide improved identification and protection of TECs. The mapping will also result in reduced costs associated with identifying and enforcing current TECs requirements.</p> <p>The EPA has engaged the Office of Environment and Heritage to lead the mapping of TECs on state forest. Representatives from EPA, FCNSW, the Department of Primary Industries and independent experts are assisting in the mapping of TECs.</p> <p>The mapping is being undertaken in accordance with the description criteria specified in the NSW Scientific Committee final determination for each TEC. Where current determinations are unclear, the NSW Scientific Committee is being engaged to provide clarity.</p>

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Issue	Feedback	Government response
Koalas	<ul style="list-style-type: none"> • there is insufficient information on how the landscape approach will improve protection for koalas and koala protections are insufficient • requirements for investigation of koala habitat could be reduced which could endanger koalas • there is insufficient information on the criteria to be used to identify koala habitat • it is felt active management of state forests could help the recovery of koala populations • there is insufficient information in the discussion paper on the EPA's koala mapping project 	<p>The IFOA proposes to move away from koala scat survey-based protections to habitat and feed-tree based protections. This means that suitable koala habitat and feed trees will be retained regardless of the active presence of koalas in the operational area. Whilst improving the overall protection of koala habitat, this approach will also see cost savings associated with the application and enforcement of the current IFOA conditions.</p> <p>The IFOA proposes to improve general landscape protections, as well as identifying and suitably protecting koala feed trees. The rate of feed-tree retention will be dependent on the quality and availability of koala habitat within the operational area.</p> <p>The determination of koala habitat will be set in publicly available maps based on the best available koala habitat mapping available.</p> <p>The EPA is currently undertaking a three-year project to improve koala habitat mapping in northern NSW. The project aims to deliver management-scale mapping of important koala habitat on public and private forest estates. The mapping will pilot a consistent, transparent and comprehensive approach to the identification and protection of koala habitat.</p>
Tree retention	<ul style="list-style-type: none"> • the tree retention measures are seen as impractical for forest managers to apply • site-specific identification of habitat trees is important as presence will vary in different forests • the IFOA requirements should ensure all large old trees should be retained and protected • FCNSW should continue to permanently mark habitat trees • the IFOA requirements for the regrowth zone should be abolished • it is suggested trees should be retained according to a suitable formula developed by ecologists, that accounts for mortality • there is concern that not having the right tree retention rates may impede regeneration 	<p>The IFOA proposes increased tree retention rates for hollow-bearing, recruitment and feed trees. Additional requirements around the retention of large old trees are also proposed. All retained trees will be required to be permanently marked and retained through multiple cutting cycles.</p> <p>Whilst the IFOA does not propose to remove the regrowth zone, improvements in tree retention will see an increase in the permanent retention of recruitment trees equivalent to that of the non-regrowth zone, regardless of the presence of hollow-bearing trees.</p> <p>Tree retention is a critical component of the multi-scale landscape approach being proposed for the IFOA. The retention and recruitment of hollows is also important to ensuring the ongoing protection of hollow-dependent fauna.</p> <p>Long-term monitoring provisions will be designed to consider whether the retention and recruitment of suitable and adequate retained trees is being maintained across the landscape.</p>
Key threatening processes	<ul style="list-style-type: none"> • it is suggested threatened fauna species should be considered in conjunction with threatening processes 	<p>The government has ensured that all relevant key threatening processes have been adequately considered and addressed in remake of the IFOAs.</p>

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Issue	Feedback	Government response
		<p>In particular, the loss of hollow-bearing trees, riparian protection, eucalypt die-back, high frequency fire and the removal of dead timber.</p> <p>The IFOA proposes specific controls and monitoring for these specific key threatened processes. The IFOA also proposes to adopt any relevant management actions for key threats as specified in the <i>Saving our Species</i> conservation program.</p>
Rocky outcrops	<ul style="list-style-type: none"> a review of rocky outcrop buffers is suggested so that there is consistency of interpretation of guidance, any review should include the community and consider costs impact to industry 	<p>The IFOA proposes to clearly define rocky outcrops and cliffs. Accompanying guidance material will also provide clarity in the intent and application of the rocky outcrop and cliff provisions.</p>
Landscape connectivity	<ul style="list-style-type: none"> adding requirements for permanent hard exclusions could provide greater connectivity 	<p>The IFOA proposes to move to predominantly map-based permanent exclusion zones to ensure long-term connectivity and protection of features across the landscape.</p> <p>The IFOA also proposes improved and simplified requirements around operations near exclusion zone boundaries. Areas sensitive to disturbance will be protected through hard boundaries, whilst limited felling and machinery requirements on soft boundaries will be available for less sensitive areas. The IFOA proposes setting guidance around the use of the limited felling rules so that they are only applied in rare circumstances.</p>
Monitoring the multi-scale landscape-based protection for threatened species	<ul style="list-style-type: none"> there needs to be strategic monitoring of the IFOA and release of monitoring data to the public the IFOA should include monitoring at species-specific and landscape scales 	<p>The IFOA proposes a strategic monitoring plan will be established and implemented. The monitoring will assess the effectiveness of the licence conditions against their intended objectives as well as monitoring trends in biodiversity and regeneration across the landscape.</p> <p>The monitoring will be conducted at the landscape, stand and site scales.</p> <p>The results of the monitoring program will be used to adaptively manage and continually improve licence provisions where required. The results will also be made publicly available.</p>
Process for landscape approach	<ul style="list-style-type: none"> stakeholders would like involvement in determining the composition and defining the process for selection of the independent expert panel stakeholders would like more information on how the threatened species assessment be resourced 	<p>Information about the Threatened Species Expert Panel is provided in a separate report released by the government.</p>

5.6 Bell Miner Associated Dieback

The key threatening process of Bell Miner Associated Dieback, or BMAD, is a complex problem which occurs across all land tenures. Dieback can affect the health of trees from the top downwards, and spreads through the leaves and branches often resulting in the whole tree eventually dying.

In north-east NSW, hardwood forests are suffering from a form of dieback associated with sap-feeding insects called psyllids. Bell Miners occur naturally in eucalypt forests; however, bell miner populations have increased in size and become more widely distributed. The NSW Scientific Committee listed BMAD as a key threatening process under the *Threatened Species Conservation Act 1995*.

It is important that measures taken to address BMAD ensure that forestry operations do not exacerbate the impacts of BMAD. FCNSW has taken a range of actions to deal with BMAD including involvement in the NSW BMAD Working Group since 2001 and working with the Department of Primary Industries to undertake research on identifying BMAD and other threats to forest health.

5.6.1 Feedback

Thirty-four submissions raised the issue of BMAD and forest health. The majority of submissions on this topic were concerned that not enough is being done by the NSW Government to address threats to long-term forest health. Some stakeholders were concerned that there has been no monitoring of the effectiveness of BMAD treatments or programs. A few stakeholders were concerned about the impacts of forest disturbance and logging practices on BMAD, and some stakeholders indicated there was insufficient information presented in the discussion paper about BMAD.

The following suggestions were put forward by stakeholders to address BMAD:

- opportunities for identifying and mapping BMAD areas should be investigated
- developing a BMAD forest health risk assessment protocol could be beneficial for each forest at risk, and used to determine appropriate management actions
- canopy removal rates should be restricted
- the community would like more research on the cause and effects of BMAD including impacts of psyllids on the forest structure
- the government should make use of current knowledge; e.g. from the BMAD Working Group
- FCNSW should have a larger role in the BMAD Working Group
- consider introducing legislation across private and public tenures to address BMAD.

5.6.2 Response

The NSW Government is considering how best to incorporate BMAD into the scope of the IFOA. The coastal IFOAs do not currently refer to BMAD.

The IFOA will require FCNSW to assess and reduce the risks to achieving forest regeneration. This will include consideration of BMAD risks where appropriate and effective measures to reduce these risks.

As mentioned above, BMAD issues are a landscape-wide concern. The NSW Government is taking action on BMAD through the *Saving our Species* program and working with stakeholders such as the BMAD Working Group to address this issue.

With the introduction of long-term forest monitoring and regeneration standards in the new IFOAs there will be enforceable aspects relevant to ensuring that long-term forest health issues such as BMAD can be better understood and managed.

5.7 FCNSW steep slopes harvesting trial

The current IFOA limits timber extraction to slopes of less than 30 degrees and assumes the use of ground-based extraction methods. Alternative systems such as cable logging have been adopted by other Australian jurisdictions and aim to overcome inherent limitations on ground-based extraction methods. As these methods do not require a network of tracks to extract timber, the potential for soil and water pollution may be reduced. FCNSW proposes to conduct a small-scale trial on the NSW mid-north coast, west of Urunga and Nambucca. The purpose of the trial would be to determine the feasibility of using alternative extraction techniques such as cable harvesting to access steep slopes.

5.7.1 Feedback

Sixty-six submissions commented on the proposed steep slopes harvesting trial. Thirty-three submissions did not support logging on steep slopes. Twelve submissions from industry stakeholders supported the steep slopes harvesting trial.

A majority of stakeholders raised concerns about greater environmental impacts such as loss of landscape connectivity and koala habitat, and the promotion of soil erosion, water siltation, water pollution and weed growth. A few stakeholders were concerned about occupational health and safety risks increasing.

A few stakeholders believe the trial may not capture potential long-term environmental impacts such as landslips and could result in the loss of old growth areas.

Some stakeholders suggested that:

- the trial should be small scale and undertaken in the dry season
- the trial should provide information about the costs and benefits of alternative safe, efficient and sensitive harvesting methods.

5.7.2 Response

The steep slopes trial is still in a conceptual stage and no pre-trial planning or on-ground works have started. A decision on whether the trial will go ahead will be made as part of the IFOA remake. If a trial proceeds it will be subject to approval by the EPA and will apply comprehensive and strict conditions to ensure that environmental impacts are minimised while the assessment is undertaken. In addition to this, harvesting on steep slopes will only be considered more broadly if any trial demonstrates that it is viable and that the environmental impacts are negligible.

It is proposed the trial would involve timber harvesting in areas where there is a predominance of steep slopes (slopes between 30 and 40 degrees). The trial would be limited to a maximum 500 hectares and may involve one or more individual sites. The trial would be conducted within the Urunga and Coffs Harbour Management Areas; however, specific sites for the trial have not been finalised.

The operational details of the trial have not been established; however, all relevant IFOA landscape protections such as protection of old-growth forest and rainforest would apply across in the trial area.

Additional requirements for timber harvesting during the trial would be considered in the planning stages of the trial. A specific set of planning and operational requirements would be designed to ensure that IFOA outcomes are met. Specific monitoring and reporting conditions would also be developed to ensure that the trial process and outcomes are transparent.

These additional conditions would be subject to approval by the EPA. The trial will not go ahead until planning, operational, monitoring and reporting requirements are developed and finalised.

If the steep slopes trial proceeds the government will carry out further consultation on the nature and timing of the trial.

6. Summary of other issues that were not in scope

A range of issues raised in submissions were outside the scope of the remake of the coastal Integrated Forestry Operations Approvals (IFOAs) and its objectives. These included:

- the sustainability of timber supply and ability to meet wood supply commitments
- understanding future trends and emerging markets in the timber industry and how it is financially supported by the NSW Government
- the role forests can play in storing carbon
- the role forests play in mitigating climate change and the impacts of climate variability on the forest resource
- concern about the non-availability of third party appeal rights under the current framework.

6.1 Timber supply issues

Over half of submissions commented on the issue of timber supply in NSW. The majority of stakeholders commented that the objectives of timber supply agreements were incompatible with the protection of forest values and that the NSW Forest Agreements were unsustainable. Some commented that timber supply contracts should be reviewed prior to the IFOA remake or be included in the IFOA remake.

6.1.1 Response

Timber supply in coastal NSW is set through a framework at the Commonwealth, state and regional level, including Regional Forest Agreements (RFAs) for the Eden, North East and Southern Regions of NSW, Forestry Agreements (FAs) for the Upper North East, Lower North East, Eden and Southern Regions of NSW and the IFOAs. These agreements deliver the government's policy on long-term forest use and management providing certainty for industry, conservation and the community.

The RFAs and FAs set timber volume thresholds for certain log types.

At the time RFAs came into effect, the Forestry Corporation of NSW (FCNSW) entered into 20-year wood supply agreements based on analysis done using the Forest Resource and Management Evaluation System (FRAMES). FRAMES models high-quality large sawlog supply at a broad (strategic) level. The Eden, North East and Southern RFAs expire in 2019, 2020 and 2021, respectively. The RFAs and FAs are the mechanism by which timber supply volumes are set. It is appropriate to consider timber supply when the government reviews the RFAs and FAs.

The independent five-yearly review of the performance of each RFA made recommendations regarding RFA processes and reviews of sustainable yield. The government will continue to collaborate with the Australian Government on the implementation of the recommendations and the commencement of the next RFA review.

The NSW Government is committed to ensuring the sustainability of the supply of timber in NSW. In June 2014 the government announced an \$8.55 million package to buy back approximately 50,000 cubic metres of timber allocations on the NSW north coast annually for the next nine years. The buy-back will ensure the long-term sustainable supply of timber from the forests in this region.

FCNSW maintains strategic wood supply models that demonstrate a continuing supply of timber from hardwood plantations and regrowth native forests across NSW over a 100-year modelling period. Further information on strategic wood supply modelling including yield estimates and forecasts is available on the [FCNSW website](#).

6.2 Future of the timber industry

The submissions generally called on the government to address broader timber supply issues. Over half of submissions on the future of the timber industry suggested NSW transition to a plantation-based industry. Some stakeholders suggested long-term trends in the timber industry needed to be analysed.

6.2.1 Response

Whilst specific actions related to the future of NSW native timber industry are not in the scope of the IFOA remake, the government is committed to ensuring the industry is sustainable and that the IFOAs continue to allow for the delivery of timber products.

FCNSW maintains strategic wood supply models that demonstrate a continuing supply of timber from hardwood plantations and regrowth of native forests across NSW over a 100-year modelling period. Further information on strategic wood supply modelling including yield estimates and forecasts is available on the [FCNSW website](#).

6.3 Climate change and forests as carbon stores

Some stakeholders expressed concerns about the need to protect forests from the impacts of climate change and suggested the IFOA remake include consideration of climate change. Some stakeholders also believed there is potential for forests to mitigate climate change and the government should consider the benefits of carbon in forests.

6.3.1 Response

The NSW Government supports further consideration of opportunities to expand the scope of the Australian Government's Carbon Farming Initiative to promote carbon sequestration and bioenergy production in the forestry sector.

6.4 Native forestry on Crown land – general

Submissions commented generally on current native forestry practices, operations and management conducted by FCNSW. Concerns raised by stakeholders included the financial viability of FCNSW and the forestry industry more broadly, and the government providing subsidies to support this industry. Some stakeholders raised concerns about continued harvesting for woodchip pulp logs.

6.4.1 Response

FCNSW contributes an annual dividend to the NSW Government from timber revenues generated through its softwood and hardwood plantations and native forestry activities.

FCNSW applies a commercial approach to its business and standard business acumen to its dealing with wood supply agreement holders.

Pulp logs sold for wood chip are, by definition, those logs that are not suitable for use as high-value logs. At present pulp logs are harvested primarily in the Eden Management Area with smaller volumes harvested from the South and North Coast Management Areas.

6.5 Re-instatement of third party appeal rights

In 1998 the Forestry and National Park Estate Bill was passed, establishing the legislative framework for ongoing forest use and management in NSW through the *Forestry and National Park Estates Act 1998*. This Act (now the *Forestry Act 2012*) removes third party rights, meaning that a member of the public is not able to bring proceedings to enforce a law, agreement, approval, licence or condition. For example, the public can not pursue breaches of an IFOA or any licence held under an IFOA.

A majority of stakeholders suggested that third party appeal rights be re-instated under the new IFOA framework.

6.5.1 Response

Matters related to third party appeal rights were not part of the IFOA remake. However, the government understands that the community has a lower level of confidence in the current regulation of the IFOAs. The IFOA remake will aim to increase community confidence in the framework by addressing current enforceability issues and using contemporary, regulatory tools.